

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MICHAEL KLAKKEN,)	
)	
Charging Party)	Cause No. 0031010184
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
UNIVERSITY OF MONTANA)	
(WESTERN))	
)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on May 30, 2003. The Commission considered Charging Party's objection to the Notice of Dismissal of his complaint. Oral argument was requested. Charging Party, Michael Klakken, entered an appearance. Respondent, University of Montana (Western), appeared through its representative, David Aronofsky.

After listening to the argument presented and reviewing the record, the Commission concludes that the Human Rights Bureau properly dismissed the matter. The record supports the conclusion that Charging Party was unable to establish by a preponderance of the evidence that he had been subject to unlawful discrimination based on age, gender and/or political belief. *See Mont. Code Ann. § 49-2-504(1)(a)* Consequently, the Commission determines there was no abuse of discretion by the Human Rights Bureau in its issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) and Admin. R. Mont. 24.9.1714(5)* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this _____ day of June 2003

Mr. Gary Hindoién, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on June ____, 2003.

MICHAEL KLAKKEN
4 NORTH WASHINGTON
DILLON MT 59725

UNIVERSITY OF MONTANA WESTERN
LEGAL DEPARTMENT
710 SOUTH ATLANTIC
DILLON MT 59725

DAVID ARONOFSKY
UNIVERSITY OF MONTANA
LEGAL COUNSEL
MISSOULA MT 59812

NANCY BORGMANN
UNIVERSITY OF MONTANA
EQUAL OPPORTUNITY OFFICE
MISSOULA MT 59812

LEROY SCHRAMM
COMMISSIONER OF HIGHER EDUCATION
PO BOX 203101
HELENA MT 59620

Montana Human Rights Bureau